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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,235	08/11/2005	Francois Paulus Naude JR.	169-83844	9703
22242 7590 12/04/2007 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER AVERY, BRIDGET D	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 12/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,235	NAUDE ET AL.	
	Examiner	Art Unit	
	Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-34, 37-39 and 41-45 is/are rejected.
- 7) ☐ Claim(s) 35, 36 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 26 is objected to because of the following informalities: on line 5, "organiser" should be changed to --organizer--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25, 26, 29, 34-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubin et al. (US Patent 2,407,385).

Rubin et al. teaches a shopping trolley, including: a holder (1) for holding articles of shopping; and a wheeled undercarriage (2) connected to the holder (1), the undercarriage (2) being operable between an erected condition (Fig. 1), in which the undercarriage (2) supports the holder (1) at a working height above the ground on wheels (26), and a collapsed compact condition (Fig. 3), for loading of the trolley into a boot of a passenger sedan (note the anticipation of placing the trolley in a small space in col. 1, lines 27-33), the undercarriage (2) being mounted such that it is slidably displaceable between an extended position in which the undercarriage (2) projects from the holder (1) for engagement of the wheels with the ground, and a retracted position. The trolley is capable of being supported on a floor of a vehicle boot, when the

Art Unit: 3618

undercarriage (2) is in its collapsed condition, such that the holder (1) has an orientation relative to the vertical similar to the orientation of the holder (1) when the undercarriage (2) is in its extended condition and supports the holder (1) on the ground, so that the holder (1) can provide a boot organizer. The undercarriage (2) has a set of four wheels (26) which are arranged in a rectangular configuration in plan view, when the undercarriage (2) is in its erected condition, each roller being freely swivelable about an associated upright swivel axis. The holder (1) defines a storage space which is divided into a number of compartments via apron portions (14).

3. Claims 25-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US Patent 6,575,491)

Miller teaches a shopping trolley, including: a holder (2) for holding articles of shopping; and a wheeled undercarriage (as clearly shown in Figs. 1-5) connected to the holder (2), the undercarriage (as clearly shown in Figs. 1-5) being operable between an erected condition (Figs. 1-4), in which the undercarriage (as clearly shown in Figs. 1-5) supports the holder (2) at a working height above the ground on wheels (73), and a collapsed compact condition (Fig. 7), for loading of the trolley into a boot of a passenger sedan (note the anticipation of placing the trolley in a small space in col. 1, lines 6-8), the undercarriage (as clearly shown in Figs. 1-5) being mounted such that it is slidably displaceable between an extended position in which the undercarriage (as clearly shown in Figs. 1-5) projects from the holder (2) for engagement of the wheels (73) with the ground, and a retracted position. The trolley is capable of being supported on a

Art Unit: 3618

floor of a vehicle boot, when the undercarriage (as clearly shown in Figs. 1-5) is in its collapsed condition, such that the holder (2) has an orientation relative to the vertical similar to the orientation of the holder (2) when the undercarriage (2) is in its extended condition and supports the holder (2) on the ground, so that the holder (2) can provide a boot organizer. The undercarriage (as clearly shown in Figs. 1-5) has a set of four wheels (73) which are arranged in a rectangular configuration in plan view, when the undercarriage (as clearly shown in Figs. 1-5) is in its erected condition, each roller being freely swivelable about an associated upright swivel axis. The undercarriage (2) is curved (see area near reference number 15) and is mounted for sliding circumferentially. The undercarriage (2) includes a pair of elongate curved legs (25), each leg being slidably mounted on an associated frame member (28), such that the leg is arranged more or less end-to-end with the associated frame member (28) in the extended position, the leg (7, 25) being retracted relative to its associated frame member (28) in the retracted position. Each leg (7, 25) is part-circular in shape. Each leg (7, 25) has mounted thereon a pair of wheels (50, 51) spaced along the length of the leg (7, 25), each wheel (50, 51) being spaced from the associated leg (7, 25) by an elongate foot (8, 26) which is pivotally connected at one end thereof to the leg (7, 25) for pivotal displacement about a pivot axis (shown at 9, 27) which extends transversely to the fore-and-aft direction of the shopping trolley, an associated wheel (50, 51) being provided at the opposite end of the foot (8, 26), each foot (8, 26) being pivotally displaceable between a stowed position in which it lies adjacent the associated leg (7, 25), and an operative position in which it projects transversely from the associated leg

Art Unit: 3618

(7, 25), so that the associated wheel is spaced from said leg by the length of the foot (8, 26) for engagement with the ground. Each part-circular leg (7, 25) and its associated part-circular frame member, in the erected condition of the undercarriage, lie in a more or less vertical plane and define a gap between their ends at a front of the trolley in the fore-and-aft direction of the shopping trolley, said gap being sufficiently large to straddle a rear portion of an open boot of a passenger sedan when the shopping trolley is wheeled towards the boot of the vehicle, in use, so that part of the legs is receivable in a space between the ground and the rear of the vehicle, the frame members engaging the rear of the vehicle, to rest thereon. An auxiliary holder (4) for holding articles of shopping, the auxiliary holder being removably and replaceably connectable to the legs to extend between the legs (7, 25) when they are in their extended positions, the auxiliary holder (4) additionally serving as a strengthening cross-member between the legs (7, 25) to enhance lateral stability of the undercarriage (2). The shopping trolley further including a pair of auxiliary wheels (6) which are respectively mounted on the frame members adjacent ends of the frame members in the fore-and-aft direction of the trolley, such that the auxiliary wheels (6) are engageable with the ground when the extendable legs (7, 25) are in their retracted positions and an end of the trolley opposite the auxiliary wheels (6) is gripped by a user, to permit wheelbarrow-fashion operation of the trolley.

Claim Rejections - 35 USC § 103

Art Unit: 3618

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al. ('385).

Rubin et al. teaches the features described above.

Rubin et al. fails to disclose the height of the trolley.

The provision of a trolley with a holder spaced from the ground above 0.45 m or spaced from the ground between 0.5-0.6 m is change in size that is well within the level of ordinary skill in the art and would have been obvious.

5. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al. ('385).

Rubin et al. teaches the features described above including baskets (B).

Rubin lacks the teaching of bags.

However, the baskets are functionally equivalent to bags. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to select bags instead of the baskets to contain items on the holder. Re claim 32, the provision of insulated bags is old and well known to keep items such as ice cream cold. Re claim 33, the folding of a bag is a closure mechanism, as broadly claimed.

Allowable Subject Matter

6. Claims 35, 36 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Espejo shows a transportable shopping cart.

Gines shows a self-retracting cart for use in the cargo bay of a sport utility vehicle.

Machanic shows a delivery carrier truck.

Bourgraf et al. shows a cart having collapsible legs.

Soriano shows a shopping cart, loadable full and effortlessly into a car trunk

Concklin shows a shopping carrier for stores.

Al-Toukhi shows a collapsible utility cart for use with automobile trunks.

Pratt shows an auto cart.

Groglio shows a utility cart.

Art Unit: 3618

8. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.



Avery

June 25, 2007



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